

17.01 Intellectual Property Management and Commercialization



Revised [May 1, 2019](#) (MO 046-2019)
Next Scheduled Review: May 1, 2029
Click to view [Revision History](#).

Policy Summary

This policy establishes principles for the management and administration of intellectual property within The Texas A&M University System (system) in order to ensure that the new ideas, discoveries and technologies arising from research conducted as a part of the educational process are used in the best interest of the system, its members and the public it serves.

Definitions

Click to view [Definitions](#).

Policy

1. INTRODUCTION

The system is committed to teaching, inquiry-driven learning and the research associated with it, and public service. Research is one of the most important and rewarding aspects of the educational process, regularly leading to the development of new ideas, discoveries and technologies with the potential to benefit the public at large.

This policy is based on three fundamental principles: enhancing academic freedom, providing a clear pathway for pursuing technology commercialization and protecting all interested parties. To that end, the purposes of this policy are to:

- (a) ensure that the commercial development of research results enhances the system's education, research and public service missions;
- (b) protect the academic freedom of faculty with respect to the publication of their research findings;
- (c) foster an entrepreneurial environment through incentives and protections that encourages the creation, discovery, development and rapid transfer of new knowledge for the public benefit;
- (d) educate and assist faculty, staff and others in the use of the intellectual property process with respect to their discoveries and inventions; and

- (e) establish the principles for determining and protecting the interests of the system, IP creator, and sponsor with respect to discoveries and inventions created by faculty, staff and others in a manner that is equitable to all parties.

1.1 Delegation of Authority

In accordance with Texas Education Code, Chapter 153, the system Board of Regents (board), as the governing board, holds ownership in all intellectual property developed by faculty, scientists and staff employed by the members. Texas A&M Technology Commercialization (TTC) was established by the board under Texas Education Code, Chapter 153, to manage, transfer, market and otherwise commercialize intellectual property owned by the system or in which it owns an interest. TTC provides centralized administrative, accounting, revenue distribution and reporting services, as well as assistance and resources for new venture formation, for all members. The board authorizes TTC to undertake some or all of the activities described in Sections 153.004 and 153.006 of the Texas Education Code.

Member commercialization offices have been established within Texas A&M University, Texas A&M Engineering Experiment Station, Texas A&M Transportation Institute, and Texas A&M AgriLife Research. If a member commercialization office was not established within a particular member and that member desires to engage in commercialization activities, the chancellor or designee may direct one of the established member commercialization offices to support such member's commercialization activities. Additional member commercialization offices may be established with approval from the chancellor.

The board delegates to the chancellor responsibility for the management of intellectual property subject to ownership by the system. The chancellor may delegate responsibility for the support and management of intellectual property subject to ownership by the system to member commercialization offices, subject to TTC oversight as appropriate.

1.2 Board of Directors Representation Authorization

The chancellor or designee is authorized to serve, in his or her official capacity, on the governing board or as an officer of entities formed for the purpose of development and commercialization of intellectual property owned by the system until the next regular meeting of the board. At the next regular meeting of the board, the chancellor or designee will provide information concerning the entity and the system's involvement to the board with a request for authorization for the chancellor or designee or a system designee to continue serving or serve as a member of the governing board of that entity.

1.3 Equity Holdings Related to Commercialization

The system is not restricted in the percentage of equity it may own in an entity formed for the purpose of developing and/or commercializing system intellectual property. All such equity will be and is owned and held by the system.

1.4 Applicability

This policy applies to all employees of the system and its members including, but not limited to, full and part-time faculty and staff and all persons using system facilities under the supervision of system personnel including visiting and adjunct faculty and researchers, undergraduate students, candidates for master's and doctoral degrees, post-doctoral students, and non-degree seeking graduate students, provided that visiting and adjunct faculty may be excluded in a written agreement negotiated by the system or its member in advance of employment or visitation.

Related Statutes, Policies or Requirements

[37 C.F.R. § 401](#)

[Tex. Educ. Code § 51.004](#)

[Tex. Educ. Code Ch. 153](#)

[System Policy 22.02 System Investment](#)

The May 2006 version superseded:

System Policy 17.02, *Patents*

System Regulation 17.02.01, *Management of Intellectual Property*

Member Rule Requirements

A rule is not required to supplement this policy.

Contact Office

System Office of the Vice Chancellor for Research

(979) 458-6000